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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,654	06/01/2001	Takao Miyazaki	Q64277	9154

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EXAMINER

FEGGINS, KRISTAL J

ART UNIT PAPER NUMBER

2861

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/870,654

Applicant(s)

MIYAZAKI, TAKAO

Examiner

K. Feggins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29 is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/588,343.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 1 June 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claim 30 is rejected under 35 U.S.C. 102(e) as being anticipated by Bhatt et al. (US 6,258,505 B1).

#### **Bhatt et al. disclose the following claimed limitations:**

\* a printer (10 of figure) usable with thermal transfer material/web, ribbon (22 of figure);

\* wherein said thermal transfer material (22) comprises a support, a release layer overlaid on said support, and a thermosensitive coloring transfer layer, overlaid on said

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release layer, colorable in a predetermined color in response to application of heat, and having thermoplasticity/thermal wax/ (col 4, line 63-col 5, line 5, lines 46-51, col 11, lines 29-37);

\* said printer comprising a feeder for feeding said thermal transfer material along a feeding path/on to the drum/ (col 10, lines 51-54, figure);

\* a thermal head (20 of figure), disposed /adjacent the drum/in said feeding path, for heating and pressurizing/ in the operating position/ said thermal transfer material by contacting said support while said coloring transfer layer is placed on image receiving material, so as to record an image thermally in said coloring transfer layer and transfer said coloring transfer layer to said image receiving material (col 10, lines 45-67, figure).

***Allowable Subject Matter***

4. Claims 27-29 allowed.

5. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of claims 27-28 is the inclusion of the limitations of a printer usable with thermal transfer material that includes a thermal head, disposed in a feeding path and downstream from an exposure head, for heating and pressurizing the thermal transfer material by contacting the support of the thermal transfer material while a coloring transfer layer is placed on image receiving material after a latent image is formed, so as to visibilize the latent image and transfer the coloring transfer layer to the image receiving material. It is these limitations found in the claims, as it is claimed in the combination of, which has not been found, taught or suggested by the prior art of record that makes these claims allowable over the prior art.

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6. The primary reason for the allowance of claim 29 is the inclusion of the limitations of a printer usable with thermal transfer material that includes an ink jet recording head, disposed in a feeding path, for recording an image to a ink receiving transfer layer with ink; and a thermal head, disposed in the feeding path and downstream from the ink jet recording head, for heating and pressurizing the thermal transfer material by contacting the support of the thermal transfer material, while the ink receiving transfer layer is placed on image receiving material after the image is recorded, so as to transfer the ink receiving transfer layer to the image receiving material. It is these limitations found in the claims, as it is claimed in the combination of, which has not been found, taught or suggested by the prior art of record that makes these claims allowable over the prior art.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki et al. (US 5,220,377) disclose an image recording apparatus for recording an image on an image receiving sheet with use of photosensitive microcapsule sheet. Bhatt et al. (US 6,054,246) disclose an imaging medium with a substrate carrying color change layers. The color change layer is detachable from the substrate by heating so that when contact of the imaging medium with a receiving sheet individual pixel of the color change layer can be transferred to the receiving sheet and colored to a determined color level. Kaufman et al. (US 6,151,037) disclose a printing apparatus having a housing in which a thermal transfer printhead station and an ink jet printhead station are mounted. Suzuki et al., Bhatt et al. and Kaufman et al. do not disclose the allowable subject matter as stated in the above paragraphs five and six.

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8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Communication With The USPTO**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 703-306-4548. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, B. Fuller can be reached on 703-308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

KF

October 31, 2002